

REMARKS

The Examiner is thanked for the due consideration given the application.

Claims 7-19 are pending in the application and stand rejected.

No new matter is believed to be added to the application by this response.

Entry of this response under 37 CFR §1.116 is respectfully requested because it places the application in condition for allowance.

Rejection Under 35 USC §103(a)

Claims 7-19 have been rejected under 35 USC §103(a) as being unpatentable over FR '469 (FR 2 198 469) in view of FR '025 (FR 2 499 025) and LAYNE (U.S. Patent 3,547,769). This rejection is respectfully traversed.

The present invention pertains to a leakproof package for a semisolid material such as cheese. The present invention is illustrated by way of example, in Figures 1 and 2 of the application, which are reproduced below.

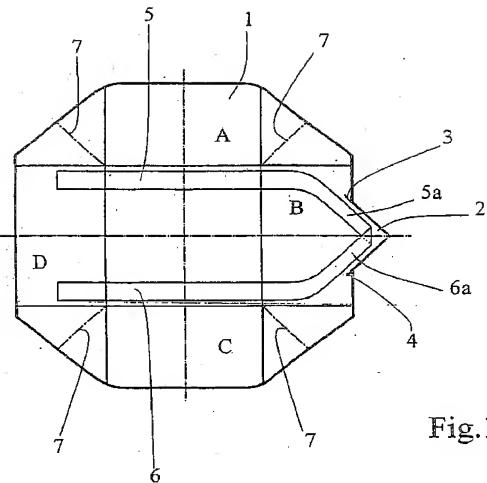


Fig.1

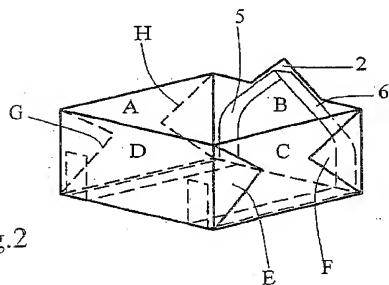


Fig.2

As is typically set forth in independent claim 7 (and claim 13), the leakproof package is in the form of a rectangular parallelepiped of polypropylene suitable for rapid opening by tearing and for containing a semisolid product that is capable of being put in a semiliquid state, in particular cheese. The package is made up of two thin sheets, namely a first sheet cut out to an appropriate outline and shaped into a rectangular shell for receiving the product, so as to present a pull corner for opening the package, and a second sheet cut to at least the dimensions of the bottom of the shell and for placing flat on the product with the side faces of the shell being folded down thereon, and heat-sealed, while leaving the pull corner free.

Two tear strips are disposed on and secured to the first sheet, so as to be entrained when the pull corner is pulled.

In the present invention, the pull corner is formed by a triangular projection formed on one of the sides of the first sheet cut out into an octagonal shape, and wherein the tear strips form a pointed U-shape with the tip thereof being situated in the triangular projection.

Views of the leakproof package are also shown in Figures 3 and 4, which are reproduced below.

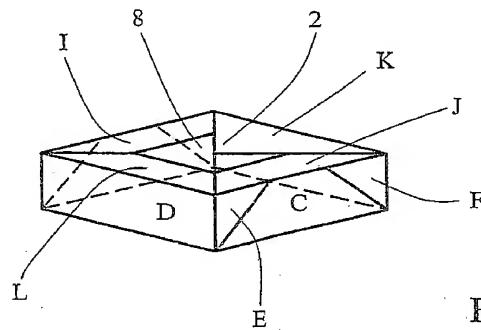


Fig.3

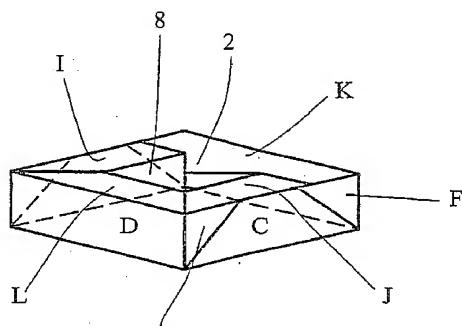


Fig.4

FR '469 pertains to a package for cheese portions. The Official Action refers to Figures 1-4 of FR '469, which are reproduced below.

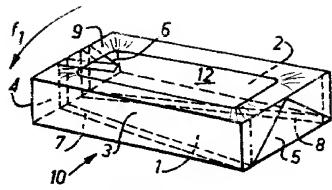


FIG.1

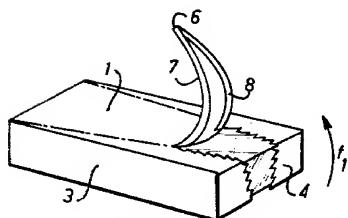


FIG.2

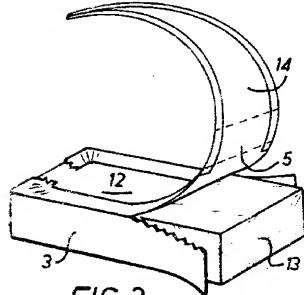


FIG.3

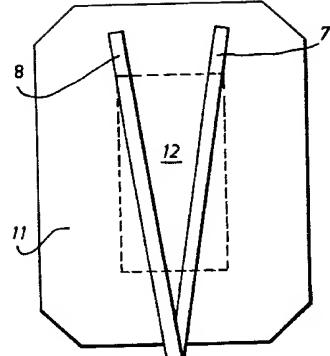


FIG.4

As can be seen, FR '469 sets forth a leakproof package that includes a first sheet 11, a second sheet 12 and two tear strips 7, 8 disposed on and secured to the first sheet 11 (see page 3, lines 6 to 11). The junction of the two tear strips 7, 8 projects with respect to the first sheet 11 (Figure 4).

The leakproof package of FR '469 does not include any pull corner formed by a triangular projection from one side of the **first sheet** and **distinct from the two tear strips**. Further, the sheets 11, 12 are made of aluminum (see page 3, line 26).

The Official Action refers to Figures 1-3 of FR '025, which are reproduced below.

FIG. 1

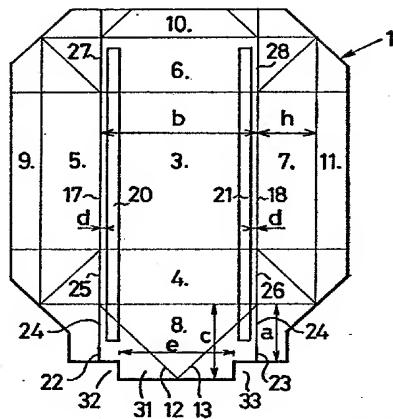


FIG. 2

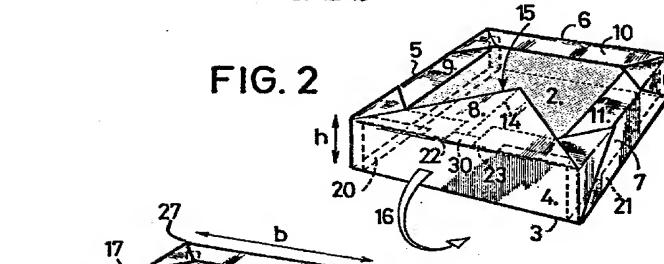
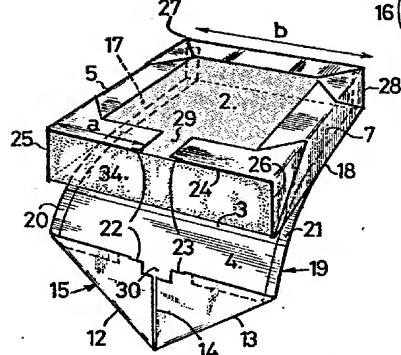


FIG. 3



FR '025 sets forth an aluminum leakproof package (see page 4, line 6) where the pull corner is in the form of a rectangular projection 8, and the two tear strips 20, 21 are substantially **parallel** to each other (see page 5, lines 5 to 9 and 13 to 19; Figure 1). The two tear strips do not form a pointed U-shape and are **not situated in** the rectangular projection 8, nor in the triangular portion 15.

Neither FR '469 nor FR '025 disclose or suggest at least the following features of independent claims 7 and 13 of the present invention:

- the pull corner is formed by a **triangular projection from one side of the first sheet** (the pull corner disclosed in FR '469 is formed by the junction of the two tear strips which are separated from the first sheet);
- the tear strips are **situated in the projection and distinct from the pull corner**; and
- the first and second sheets are made of **polypropylene**.

In contrast, the leakproof package of the present invention includes **the pull corner** formed by a triangular projection of the first sheet **and the two tear strips** in the form of a pointed U-shape, **the pull corner and the tear strips being separated from each other**, provides an easier opening as the tear strips are situated in the triangular projection, such that when tacking hold of the pull corner, the two rear strips are also taken hold of. Thus, the package can be opened without encountering the resistance of a fold (see page 2, lines 12-20 of the specification).

LAYNE pertains to a **heat shrinkable** (see column 1, lines 26-27, abstract and title) plastic film with a thin layer of moisture vapor-barrier wax. The plastic film is, for example, made of polypropylene (see column 2, lines 38 to 44).

The French patents **are not compatible with heat shrinkable films**, especially concerning the opening of the packages by holding of the tear strips, which would be impossible with heat shrinkable films, and also the containing of products being put in a semi-liquid state which would be impossible with heat-shrinkable films as the heat-shrinkable films are packaged at hot temperatures.

Furthermore, the first and second sheets of the leakproof package of claims 7 and 13 of the present invention are not formed from layers, one layer being made of polypropylene, **but are only made of polypropylene** (see page 2, line 11; page 3, line 13, page 4, line 11; page 5, lines 8-9).

One of ordinary skill and creativity would thus fail to produce a claimed embodiment of the present invention from a knowledge of FR '469, FR '025 and LAYNE. A *prima facie* case of unpatentability has thus not been made.

This rejection is believed to be overcome, and withdrawal thereof is respectfully requested.

Conclusion

Prior art of record but not utilized is believed to be non-pertinent to the instant claims.

The rejection is believed to be overcome, obviated or rendered moot, and no issues remain. This issuance of the Notice of Allowability is accordingly respectfully requested.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future submissions, to charge any deficiency or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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